

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff and Counter Defendant,

v.

Case No. 3:23-CV-355-wmc

TOWN OF LAC DU FLAMBEAU,

Defendant and Counter Claimant,

and

GORDON ANDERSON, et al.,

Intervenor Defendants and
Intervenor Counter Claimants.

**JOINT REQUEST FOR STATUS CONFERENCE AND GUIDANCE FROM
THE COURT PRIOR TO APRIL 11, 2025, PRETRIAL FILING DEADLINE**

The Parties, by their under-signed attorneys, respectfully request a brief status conference with the Court to address pre-trial filings that are due on Friday, April 11, 2025.

The Parties would appreciate guidance from the Court regarding what issues will be tried to the jury, as opposed to decided by the Court as a matter of law either at the time of trial or by decision on the pending motions for summary judgment.

Therefore, the Parties respectfully request a short status conference with the Court to provide guidance to the Parties regarding the following issues:

1. The Preliminary Pretrial Conference Order, Dkt. 24, states: “Trial shall be to a jury of eight and, absent good cause, Judge Conley’s default practice is to bifurcate trials.”
 - a. Does the Court intend to bifurcate damages or any other matters?

- b. If the Court is bifurcating questions of liability and damages, will the Town's and Homeowners' counterclaims all be tried in the same portion of the case as the United States' trespass and ejectment claims?
 - c. For any matters bifurcated, and to be tried in a second phase of a trial, do any pretrial submissions relating to those issues need to be filed by April 11, 2025?
- 2. The Preliminary Pretrial Conference Order states: "Absent further order of this court, the issues to be tried shall be limited to those identified by the parties in their pretrial conference report to the court."
 - a. There are pending motions for summary judgment which likely will clarify the issues to be tried. Does the Court want the Parties to identify all issues that currently still exist in this case by the April 11, 2025, filing date?
- 3. Are there any issues the Court views as issues of law, for which the Court anticipates ruling and for which the Parties do not need to file Rule 26(a)(3) disclosures, motions in limine, voir dire questions, jury instructions, or verdict forms by April 11, 2025?

Dated this 3rd day of April, 2025.

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Dated this 3rd day of April, 2025.

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Dated this 3rd day of April, 2025.

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